Note No. was/pa/2013/138

The Embassy of the Kingdom of the Netherlands presents its compliments to the United States Department of State and has the honor to refer to the Department's note of October 25, 2012, which reads as follows:

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"The U.S. Department of State refers the Embassy of the Kingdom of the Netherlands to the Agreement between the Government of the United States of America and the Government of the Kingdom of the Netherlands relating to the employment of dependants of official government employees, effected by exchange of notes at the Hague June 23, 1986, which entered into force May 13, 1987 ("the 1986 Agreement").

The Department of State, on behalf of the Government of the United States of America, refers to recent discussions between representatives of our two Governments and proposes that the Agreement be amended as follows:

1. The opening paragraph of the Agreement shall be amended to replace the phrase "and permanent missions" with the phrase ", permanent missions, and of NATO personnel."

2. Article I (Purpose) of the Agreement shall be amended to replace the phrase "and permanent missions of the Kingdom of the Netherlands" with the phrase ", permanent missions, and of NATO personnel, of the Kingdom of the Netherlands".

3. Article II (Definition) of the Agreement shall be deleted and replaced with the following:

   1. In this Agreement, "dependants" means members of the family of diplomats, consular officers, or of the administrative and technical or service staff assigned to diplomatic missions, consular posts and permanent missions in the Kingdom of the Netherlands or the United States who form part of the household and who were notified as such to the receiving state by the mission or post concerned, or the spouse or dependant children of NATO personnel.

   2. "NATO personnel" means a member of the military or civilian personnel of the Kingdom of the Netherlands assigned to duty in the territory of the United States, or of the United States assigned to duty in the territory of the Netherlands, to whom the Agreement between the Parties to the North Atlantic Treaty regarding the Status of Their Forces, done at London on 19 June 1951, applies, or such categories of civilian personnel in the employ of the Allied Headquarters to whom the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, done at Paris 28 August 1952, applies; or international civilian staff or experts on mission for NATO to whom the Agreement on the Status of the North Atlantic Treaty Organization National Representatives and International Staff done at Ottawa 20 September 1951, applies.

4. Article III (Procedure) of the Agreement shall be deleted and replaced with the following:

1. In the case of dependants of diplomats, consular officers, or of the administrative and technical or service staff assigned to diplomatic missions, consular posts, and permanent missions who seek permission to take up employment in the Kingdom of the Netherlands or in the United States, a written request shall be made by the Embassy of the United States in The Hague, or by the Embassy of the Kingdom of the Netherlands in Washington, to the Protocol Department of the Ministry of Foreign Affairs of the Kingdom of the Netherlands or of the United States Department of State. Such request shall identify the dependant and set forth a brief description of the nature of the employment.

2. In the case of dependants of NATO personnel of the Kingdom of the Netherlands assigned to duty in the territory of the United States, an official request must be made by the sponsoring command or the Embassy of the Kingdom of the Netherlands to the Office of the Legal Advisor, NATO/HQ SACT in Norfolk, Virginia. In the case of dependants of NATO personnel of the United States assigned to duty in the territory of the Netherlands, a written request must be made through the office of the Royal Marechaussee Representative (RMR) at the Headquarters "Joint Force Command Brunssum" at Brunssum to the Netherlands Immigration and Naturalization Department (IND).

5. Article V (Inapplicability of National Laws) paragraph 2 (Entry and Residence Regulations) of the Agreement shall be amended to add the following second phrase: "This paragraph shall not apply to dependants of NATO personnel of the United States assigned to duty in the territory of the Netherlands".

6. Article VI (General Provisions) paragraph 1 (Termination of Permission) of the Agreement shall be amended to replace the phrase "or permanent mission of whose family the dependant is a member" with the phrase ", permanent mission, or of the NATO personnel, of whose family the dependant is a member". Article VI (General Provisions) paragraph 2 (Termination of Employment) of the Agreement shall be amended to replace the phrase "or permanent mission of whose family the dependant is a member" with the phrase ", permanent mission, or of the NATO personnel, of whose family the dependant is a member".

7. Article VII (Application to other parts of the Kingdom of the Netherlands) of the Agreement shall be amended to replace the title "Application to other parts of the Kingdom of the Netherlands" with "Application". Article VII (Application) paragraph 1 of the Agreement shall be deleted and replaced with the following: "In the case of dependants of diplomats, consular officers, or of the administrative and technical or service staff assigned to diplomatic missions, consular posts, and permanent missions, the application of this Agreement may be extended to either Aruba, Curaçao, Sint Maarten or the Caribbean part of the Kingdom of the Netherlands upon notification by the Government of the Kingdom of the Netherlands to the Government of the United States of America".

8. Article VII (Application) of the Agreement a new paragraph shall be added which reads as follows: "2. This Agreement shall not apply to dependants of NATO personnel of the United States in the Netherlands whose employment authorization is the subject of another agreement in force between the Kingdom of the Netherlands and NATO."

The Department of State proposes that, if the foregoing proposal is acceptable to the Government of the Kingdom of the Netherlands, this Note and the Embassy of the Kingdom of the Netherlands' affirmative Note in reply, shall constitute an agreement between our two Governments to amend the 1986 Agreement which shall enter into force on the first day of the second month after the date on

which the Government of the Kingdom of the Netherlands notifies the Government of the United States of America that the applicable constitutional requirements have been fulfilled. Pending entry into force, the terms of this agreement shall be applied provisionally following the Embassy of the Kingdom of the Netherlands' affirmative Note in reply.".

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The Embassy has the honor to state, as agreed between the Department of State and the Embassy, that paragraph 7 of the Department's Note is corrected by deleting the word "either" between "extended to" and "Aruba" and the words "the Kingdom of" between "Caribbean part of" and "the Netherlands upon". The proposed Article VII (Application) paragraph 1 of the Agreement shall thus read as follows: "In the case of dependants of diplomats, consular officers, or of the administrative and technical or service staff assigned to diplomatic missions, consular posts, and permanent missions, the application of this Agreement may be extended to Aruba, Curaçao, Sint Maarten or the Caribbean part of the Netherlands upon notification by the Government of the Kingdom of the Netherlands to the Government of the United States of America".

The Embassy of the Kingdom of the Netherlands has further the honor to inform that the proposals set forth in the Department's note are acceptable to the Kingdom of the Netherlands, with the correction of paragraph 7, and to confirm that the Department's Note and this Note shall constitute an Agreement between the two Governments to amend the 1986 Agreement, which enters into force on the first day of the second month after the date on which the Government of the Kingdom of the Netherlands notifies the Government of the United States of America that the applicable constitutional requirements have been fulfilled. Pending entry into force, the terms of this agreement shall be applied provisionally following the date of this Note.

The Embassy of the Kingdom of the Netherlands avails itself of this opportunity to renew to the United States Department of State the assurances of its highest consideration.

Washington, 11 July 2013

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